

September 24, 1997

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California Toxics Rule Project Manager  
U.S. Environmental Protection Agency, Region 9 (WTR-5)  
Water Management Division  
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San Francisco, CA 94105

Felicia Marcus, Region 9 Administrator  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Carol Browner, Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Establishment of numeric criteria in the California Toxics Rule, FR62(150);  
Comments of Communities for a Better Environment on San Francisco Bay

Dear Ms. Frankel, Regional Administrator Marcus and Administrator Browner:

CBE believes that adoption of EPA's "California Toxics Rule" as proposed might represent the biggest step backward in toxics policy for San Francisco Bay in the twenty-five year history of the Clean Water Act.

The Rule would allow far more pollution than state water quality standards criteria EPA is trying to replace for most of the toxic pollutants of concern in the Bay. It would allow levels of dioxin compounds, mercury, polycyclic aromatic hydrocarbons, and toxic metals that already harm the fishing public and aquatic life to increase. Despite EPA's admission of soaring cancer risk and other toxic threats to Bay anglers, it would fail to protect people who fish for food unless they eat only starvation rations of one-seventieth of a pound of fish per day. Its dioxin criteria deregulate sixteen of the seventeen most toxic compounds known to science. It ignores proof of mercury bioaccumulation and evidence that its weaker copper criteria allow pollution levels that wiped out aquatic populations. It then proposes a system of "permits to pollute" above even these inadequate standards for up to ten years. Many of these problems extend state-wide beyond the Bay.

EPA's analysis in the proposed Rule ignores protection of fishing people of color who are disproportionately imperiled by toxic pollution it would allow, and evidence EPA asked us for showing that stronger rules than EPA's drive pollution prevention which results in economic benefits to the manufacturing base. The proposed Rule does not appear to comply with federal laws which require protection of public health, fishing and aquatic life and equal protection under the law.

The massive scope of this policy change suggests the need for maximum public involvement. Unfortunately, EPA staff report receiving only one "public" comment to date. We believe that this critically important environmental health decision is not receiving adequate public scrutiny.

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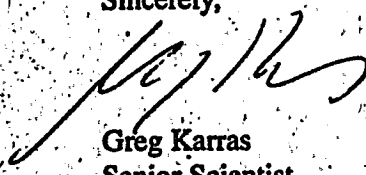
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Accordingly, we request that EPA extend the comment period for the Rule beyond the present September 26, 1997 deadline, revise the toxics criteria to address the concerns detailed in our enclosed comments, and require present state implementation procedures instead of allowing permit schedules which could grant "permits to pollute."

We have begun to discuss these concerns with EPA staff, and hope to continue this process with you, Regional Administrator Marcus, and Administration environment officials, in order to seek ways in which we can move forward together to solve the serious toxic pollution problems affecting people and aquatic life in San Francisco Bay and throughout California. We propose a meeting at your offices at 2 p.m. or later on Wednesday, October 1, 1997 as a next step in these discussions.

Sincerely,



Greg Karras  
Senior Scientist

cc: Interested agencies and individuals

Enclosures: Comment with attachments for submission into evidence